

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,)	Case No. 1:17-cv-02635
)	
Plaintiff,)	Judge Christopher A. Boyko
)	
vs.)	
)	
2K GAMES, INC. and TAKE-TWO)	
INTERACTIVE SOFTWARE, INC.,)	
)	
Defendants.)	

PLAINTIFF'S AMENDED TRIAL WITNESS LIST

Plaintiff, James Hayden, submits this amendment to his Proposed Witness List in his Trial Brief (Dkt. # 170):

Mr. Hayden intends to call the following witnesses who will testify in his support and reserves the right to call any witnesses in rebuttal that Take-Two calls as a witness:

Witness	Brief Description of Subject Matter of the Testimony
James Hayden (Plaintiff)	Authorship, ownership, creation of the Asserted Tattoos; customs of tattoo industry; lack of intent for license; licensing history for his works; personal knowledge related to Accused Games.
Darren Palmer (Calfee employee who played and captured video footage of Accused Games submitted as exhibits to Opposition to Summary Judgment)	Creation and authentication of exhibits showing clips of Accused Games (Dkt # 109-2, 109-3, 109-4, 109-5, 109-6); personal knowledge related to gameplay of the Accused Games.
Justin Lenzo (Economic expert)	Commercial benefit of the Asserted Tattoos to Defendants; market formation in tattoo design licensing; analysis of Jay survey and Jay opinion; opinion submitted in support of Plaintiff's Opposition to Summary Judgment (Dkt. # 109-43).
Tolga Bilgicer (Survey expert)	Analysis of Jay survey and Jay opinion; survey results demonstrating that tattoos are a

	reason customers buy the Accused Games; opinion submitted in support of Plaintiff's Opposition to Summary Judgment (Dkt # 109-46).
Michal Malkiewicz (Damages expert)	Plaintiff's damages; Defendants' gross and net revenue; Defendants' gross and net profit; analysis of Malackowski opinions; Defendants' revenues and profits associated with tattoos and the Asserted Tattoos; opinions submitted in support of Plaintiff's Motion for Partial Summary Judgment (Dkt #93-11) and Opposition to Summary Judgment (Dkt # 109-47).

In addition, Mr. Hayden has identified the following witnesses, portions of whose deposition testimony may be submitted as evidence:

Deposition Witness	Brief Description of Subject Matter of the Testimony
Alfie Brody	Willfulness, copying, marketing and sales of the Accused Games, authentication of documents
Anton Dawson	Creation of the Accused Games, copying, willfulness, authentication of documents
Michael Stauffer	Creation of the Accused Games, copying, value of tattoos in Accused Games, customer demand for tattoos in Accused Games, marketing, authentication of documents
Corie Zhang	Creation of the Accused Games, copying
Winnie Hsieh	Creation of the Accused Games, copying
Joel Friesch	Willfulness, copying, gameplay, creation of the Accused Games, marketing, authentication of documents
Jeff Thomas	Willfulness, copying, gameplay, creation of the Accused Games, authentication of documents
Jason Argent	Willfulness, copying, gameplay, creation of the Accused Games, marketing and sales of Accused Games, authentication of documents
LeBron James	Creation of Asserted Tattoos, relationship and communications with Mr. Hayden, originality and creativity of the Asserted Tattoos, relationship with Defendants.

Tristan Thompson	Creation of Asserted Tattoos, relationship and communications with Mr. Hayden, originality and creativity of the Asserted Tattoos, relationship with Defendants.
Danny Green	Creation of Asserted Tattoos, relationship and communications with Mr. Hayden, originality and creativity of the Asserted Tattoos, relationship with Defendants.

Dated: August 17, 2022

Respectfully submitted,

By: /s/ Andrew Alexander

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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2022, a copy of the foregoing was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ Andrew Alexander
One of the attorneys for Plaintiff